

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN STALKER,

Plaintiff,

Case Number 15-14325

Honorable David M. Lawson

Magistrate Judge Patricia T. Morris

v.

MARIO BAYONETTO, and DR. WILSON,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, GRANTING DEFENDANT'S MOTION TO DISMISS,
AND DISMISSING PLAINTIFF'S COMPLAINT WITH PREJUDICE**

Presently before the Court is the report issued on August 8, 2016 by Magistrate Judge Patricia T. Morris pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendant's motion to dismiss and dismiss the plaintiff's complaint with prejudice. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #17] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion to dismiss [dkt. #13] is **GRANTED**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 31, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 31, 2016.

s/Susan Pinkowski
SUSAN PINKOWSKI